

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRICIA LILI THENBOUPHA,

Plaintiff,

v.

NATIONAL PARKS SERVICE, *et al.*,

Defendants.

Case No. [23-cv-03167-SI](#)

**ORDER VACATING OCTOBER 6, 2023
INITIAL CASE MANAGEMENT
CONFERENCE AND ORDER TO
SHOW CAUSE**

This case was filed on June 27, 2023 against the National Park Service and Bryant Carter, an employee of the National Park Service. The complaint alleges that on or about February 15, 2020, Carter was driving a vehicle owned by the National Park Service and that as a result of his negligence, his vehicle hit plaintiff's car. Compl. ¶¶ 4.1-4.3. Although summons were issued on June 27, the docket does not reflect that any defendant has yet been served.

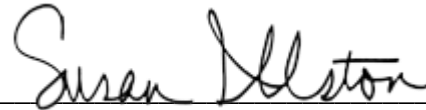
Accordingly, the Court VACATES the October 6, 2023 initial case management conference. Federal Rule of Civil Procedure 4(m) provides, "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. Proc. 4(m). Pursuant to this rule, plaintiff was required to serve defendants by September 25, unless plaintiff shows "good cause" for the failure to do so. Plaintiff has not requested an extension of time to serve the summons and complaint, nor has plaintiff taken any action in this case since filing the complaint.

Accordingly, plaintiff is ORDERED TO SHOW CAUSE IN WRITING by October 10, 2023, why this case should not be dismissed without prejudice for failure to prosecute. The

failure to respond to this order will result in the dismissal of this case without prejudice.

IT IS SO ORDERED.

Dated: October 2, 2023

A handwritten signature in black ink, appearing to read "Susan Illston", written over a horizontal line.

SUSAN ILLSTON
United States District Judge